

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-18638 - APPLICANT/OWNER: DAN MARTINEZ

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/08/06, except as amended by conditions herein.
3. A Waiver from the Downtown Centennial Plan is hereby approved, to allow for no stepback at the 4th, 11th and 18th levels.
4. A Waiver from the Downtown Centennial Plan is hereby approved, to allow for no parking structure stepback.
5. A Waiver from the Downtown Centennial Plan Streetscape is hereby approved, to allow for 10 trees on 8th Street where 14 are required, to allow for 4 trees on Carson Avenue where 5 are required, to allow a 9'-6" wide sidewalk and amenity area where 16' wide is required on Fremont Street, to allow a 9'-7" wide sidewalk and amenity area where 16' wide is required on Carson Avenue and to allow an 14'-6" wide sidewalk and amenity area where 16' wide is required on 8th Street.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A Master Sign Plan shall be submitted for approval by the City of Las Vegas Downtown Entertainment Overlay Design Review Committee for all proposed signage prior to being issued a sign permit.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
15. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
16. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.
17. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
18. Aerial encroachment agreements must be secured from the City of Las Vegas Public Works Department for the three proposed metal canopies that extend over the sidewalks on Fremont and 8th Street.
19. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

20. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/08/06, except as amended by conditions herein.

Public Works

21. Coordinate with the City Surveyor to determine whether a Reversionary Map or other map is necessary; comply with the recommendations of the City Surveyor.
22. Dedicate a 10-foot radius on the southwest corner of Fremont Street and Eighth Street and dedicate a 10-foot radius on the northwest corner of Eighth Street and Carson Avenue.
23. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Downtown Centennial Design Standards (except as amended by conditions herein) concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
24. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the "Fremont Street Pedestrian Improvements" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
25. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site.
26. Submit an Encroachment Agreement for all landscaping, if any, located in the public right-of-way adjacent to this site prior to occupancy of this site. The proposed building shall be designed and constructed such that there are no balconies or other permanent structures within or overlying the public right-of-way adjacent to this site.
27. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
28. Coordinate with the Collection System Planning Section of the Department of Public Works to determine public sewer connection requirements prior to the issuance of any permits or the submittal of a map for this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

29. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
30. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.
31. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
32. Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.
33. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This project is a request for a Site Development Plan Review to allow a 40-story mixed-use development consisting of 395 residential units, 15,892 square feet of commercial retail space and 9,050 square feet of office space with waivers of the stepback, parking structure stepback and downtown streetscape requirements of the Downtown Centennial Plan on 1.39 acres at 709-731 Fremont Street. A companion Special Use Permit (SUP-18637) for a Mixed-Use development will be heard with this item.

The applicant of this single tower mixed-use project states that the goal is to build a project that will be affordable to those downtown employees who would also like to live downtown. The aim is to keep construction costs under \$400 a square foot. They plan to do this with a construction method called "Tunnel Forming" that uses forms that are filled with concrete and repeated identically on every floor. Since the project is also located within the Fremont East Entertainment District, 15,892 square feet of entertainment commercial space is being provided on the first two levels of the development. The provided office space will be utilized primarily for the projects administrative offices.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/15/04	City Council approved SUP-5362 for a restaurant with bar for 731 Fremont Street
06/01/05	City Council approved SUP-6267 for a tavern for 719 Fremont Street.
01/25/07	The Planning Commission recommended approval of companion item SU-18637 concurrently with this application.
	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #63/yk).
<i>Pre-Application Meeting</i>	
09/13/06	The applicant was advised of the two applications and three waivers that would be necessary to move the project forward.
<i>Neighborhood Meeting</i>	
09/13/06	The applicant was advised no neighborhood meeting would be required.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.39 acres
Net Acres	1.28 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant lot	C (General Commercial)	C-2 (General Commercial)
North	Vacant building	C (General Commercial)	C-2 (General Commercial)
South	Motel	Mixed-Use	C-2 (General Commercial)
East	Vacant lot	C (General Commercial)	C-2 (General Commercial)
West	Motel	C (General Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
G-O (Gaming Enterprise Overlay) District		X	N/A
A-O (Airport Overlay) District	X		Y
Downtown Casino Overlay District		X	N/A
Downtown Entertainment Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Downtown Centennial Plan addresses certain site development standards, which are detailed below:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	60,394 sq.ft.	N/A
Min. Lot Width	N/A	155 ft.	N/A
Min. Setbacks			
• Front	N/A	0 Feet	N/A
• Side	N/A	0 Feet	N/A
• Corner	N/A	0 Feet	N/A
• Rear	N/A	0 Feet	N/A
Max. Lot Coverage	Up to 100 %	89.3%	N/A
Max. Building Height	N/A	472' -9"	N/A
Trash Enclosure	Enclosed/Covered	Enclosed/Covered	Y
Loading Zone	1	1	Y
F.A.R.	N/A	14.1%	N/A
Mech. Equipment	Screened	Screened	Y

This project meets the minimum standards required by the Downtown Centennial Plan.

A2) Residential Adjacency Standards

The Residential Adjacency Standards do not apply to this project as it borders no residential zone and is within the Las Vegas Downtown Centennial Plan area.

A3) Parking and Traffic Standards

As with other development standards, the property is exempt from the automatic application of the parking requirements listed in Title 19.10 due to its being located within the boundaries of the Downtown Centennial Plan area. The following table compares the parking requirements listed in Title 19.10 with the amount of parking to be provided for the development:

Uses	GFA	Recommended			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Retail	15,892 SF	3 per 1,000 SF	48	2	149	4
Office	9,050 SF	3 per 1,000 SF	28	2	40	2
Residential	395 units	1 per unit	395	8	395	8
Total			471	12	584	14 of 584

The parking provided is greater than the minimum normally recommended for a downtown mixed-use project. This allows flexibility in case some of the retail space is used for entertainment venues which call for greater parking.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

<i>Standards</i>	<i>Required</i>		<i>Provided</i>
	Ratio	Trees	
Parking Area	N/A	N/A	0
Streetscape Treatment: 8 th Street	1 Palm Tree/30' o.c. (min. 25' height)	14	10
Streetscape Treatment: Carson Avenue	1 Shade Tree/30' o.c. (min. 25' height)	5	4
Streetscape Treatment: Fremont Street	1 Shade Tree/30' o.c. (min. 25' height)	5	4

Due to the parking garage ingress/egress off of both Carson Avenue and 8th Street there is not enough room for the required number of trees or sidewalk width. A waiver (streetscape) of this condition is included with this application. There is no clearly apparent reason not to install the required five shade trees on Fremont Street and thus staff recommends that all five trees be installed.

Waivers		
Request	Requirement	Staff Recommendation
Remove	Building setback @ 4th, 11th & 18 th floors	Approval
Reduce	10' sidewalk widths and trees every 30'	Approval
Remove	Parking Structure setback	Approval

ANALYSIS

- Zoning

The commercial use located at the ground floor is permitted in accordance with the requirements of the C-2 (General Commercial) zoning district. The residential units are only permitted upon approval of a Special Use Permit; Special Use Permit (SUP-18637) has been filed as a companion case. The Special Use Permit for a Mixed-Use structure requires non-residential uses on the ground floor and architectural features that distinguish the separate uses within the building; the proposed development is in conformance with these requirements.

- Site Plan

This project's site plan has the residential lobby directly off of the parking garage with additional access off the Fremont Street frontage. The retail space is clustered along Fremont Street on both the ground and 2nd levels with the office space totally on the 2nd level. Ingress/egress to the parking garage is located off of 8th Street with an additional egress off of Carson Avenue. This limits the area for landscape treatments. One loading dock area is located off of the west alley and provides for loading to take place without blocking the flow of traffic on the public streets or within the parking garage. Overall the project uses its footprint for maximum commercial advantage.

- Waivers

The development requires waivers from the Downtown Centennial Plan requirement for building setback, parking structure setback and streetscape treatments. The configuration of the building with balconies and the modern sleek façade provides sufficient variation to the appearance of the building to justify the setback waiver and is consistent with the design goals of the Centennial Plan. The applicant has also requested a waiver from the streetscape requirements due to the reduced street frontage available for landscaping due to the parking garage egress/ingress. The applicant is requesting a waiver from the required sidewalk width and the five foot wide amenity area for the entire project. The waiver is to allow 10 trees on 8th Street when 14 are required and to allow for 4 trees where 5 are required on Carson Avenue. The applicant is also requesting that 4 trees be permitted where 5 is required on Fremont Street. Staff does not support this portion of the requested waivers.

- Elevation

Contemporary materials are used on the building exterior, which include composite aluminum panels, painted pre-cast concrete, insulated glass and an aluminum louver system. There is sufficient vertical relief that extends the entire height of the building from the ground level to the penthouse that meets the intent of the Centennial Plan requirements. The addition of the balconies provides additional off-set to the setback requirement to render it a moot issue. The parking structure is situated behind the tower structure and has metal louver screens on the first two levels. Three separate metal panel canopies are included, one over the parking garage entrance and the other two off of the retail spaces on 8th Street and Fremont Street.

- Floor Plan

The symmetry of the floor plan allows for efficient access from the parking structure to the elevator lobbies, and contributes to the effectiveness of the pedestrian circulation within the structure. The amenities for the residential units will be located atop the parking structure on the ninth level. There are several unit floor plans that will encourage a wide spectrum of residents from different backgrounds. This will add to the energy of the Entertainment District.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development will be compatible with adjacent development, and will assist in improving the energy needed in order for the Entertainment District to be successful.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposed development is consistent with the General Plan, and is generally consistent with the requirements of Title 19 and the Downtown Centennial Plan. Waivers have been requested for elements of the development that do not strictly conform to the Centennial Plan requirements.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The traffic circulation for the site has been designed so as to reduce impacts to Carson Avenue and 8th Street and the surrounding neighborhood with two driveway entrances to the project. A loading dock with access off of the west alley will reduce the traffic interruptions when residents are moving into and out of the project.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The proposed landscape materials are appropriate for the area and conform closely to the Downtown Centennial Plan requirements. The proposed building materials are appropriate for the area and the City.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

Adequate care has been exercised in detailing the building facade in order to create an orderly and harmonious appearance between the tower and the attached parking structure. At the same time there are vertical architectural elements that unite the structure as a whole. The addition of balconies with each unit also provides additional architectural relief to the buildings exterior.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The development will be subject to ongoing inspections and therefore will not compromise the public health, safety, and welfare or the overall objectives of the General Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 121 by Planning Department

APPROVALS 0

PROTESTS 0